

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/783,333

REMARKS

Claims 1-10 are all the claims pending in the application.

In response to the Amendment filed January 23, 2004, the Examiner removed the claim rejections under 35 U.S.C. §§ 101 and 112, and the objection to the specification. However, the claim rejection over the prior art has been maintained. The status of the claims is the following.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously-cited Strawczynski et al. (US 6,628,641, hereafter "Strawczynski"). In view of the following discussion, Applicant respectfully traverses the above rejection.

Applicant acknowledges the Examiner's comments regarding the prior art. However, Applicant submits that the claims are allowable for at least the following additional reasons.

With regard to claim 1, Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify Strawczynski to include adding an error detection code for detecting an error in the header information and a corruption indication flag for indicating corruption of the data, to the header of the predetermined layer protocol. The Examiner concedes that the reference does not disclose the use of error flags, but asserts that it would have been obvious to use error flags in Strawczynski. In this regard, the Examiner points to col. 2, line 60 - col. 3, line 15. The cited excerpt states:

[I]f detectable but uncorrectable errors are detected on a particular cell, but no error is detected in the header, then the system can conclude that there is an error in the payload. This can allow systems to select between various treatments, including:

forwarding the cell,

forwarding the cell with a flag,

discarding the cell, and

producing an indication of the error to a higher layer protocol.

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Advantageously, for groups of related cells (hereafter called a message) for which the payload of every cell is necessary, special treatments can be applied to conserve bandwidth by discontinuing the forwarding and/or transmission of subsequent cells of a message once a payload error has been detected in any cell of a message.

In other words, Strawczynski discloses that the disclosed system can determine that there is an error in the payload (data) by determining that there is no error in the header. However, the reference does not disclose or suggest adding a corruption indication flag for indicating corruption of the data, to the header of the predetermined layer protocol. The focus of Strawczynski is on the use of an extended header error code (EHEC). *See col. 2, line 1 et seq.*

Rather than adding a corruption indication flag for indicating corruption of the data to the header of the predetermined layer protocol, Strawczynski uses a determination of whether errors are detected in a particular cell without an error being detected in the header to determine whether there is an error in the payload. Such a method is unrelated to adding the claimed corruption indication flag to a header. Further, there is no suggestion in the reference to add this feature to Strawczynski's method. The added bits to the header would not facilitate error management in Strawczynski, which seeks to protect the integrity of the header, even if the payload is corrupted. Rather, the Examiner appears to be engaging in impermissible hindsight reasoning by using the Applicant's own disclosure against the Applicant. Thus, it would not have been obvious to one of ordinary skill in the art to modify Strawczynski to include the aforementioned feature of claim 1.

Therefore, Applicant submits that claim 1 and its dependent claim 2 are allowable over Strawczynski.

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Additionally, Applicant submits that claims 3-10 are allowable over the prior art for analogous reasons to those presented above for claim 1.

Additionally, claims 7, 8, and 10 are allowable for the reasons described in the Amendment filed January 23, 2004, to which the Examiner did not respond in the pending Office Action, dated April 6, 2004.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

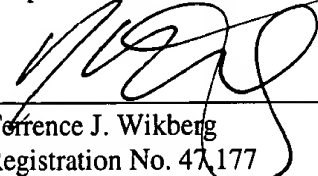
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